

Below is the Order of the Court.



Mary Jo Heston

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U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

SARAH HOOVER,

Debtor.

Case No. 19-42890

SARAH HOOVER,

Plaintiff,

Adversary No. 20-04002

v.

**ORDER CONSOLIDATING ACTIONS AND
SETTING STATUS CONFERENCE**

QUALITY LOAN SERVICE CORPORATION
OF WASHINGTON, PHH MORTGAGE
SERVICES D/B/A PHH MORTGAGE
SERVICES, HSBC BANK USA, N.A., AS
TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST,
SERIES 2006-2, NEW REZ, LLC, AND IH6
PROPERTY WASHINGTON, L.P. D/B/A
INVITATION HOMES,

Defendants.

1 This matter came before the Court for hearing on February 20, 2020, on IH6 Property
2 Washington L.P.'s ("IH6") Motion to Annul Automatic Stay as to the real property where the
3 Debtor lives located at 18205 106th Street East, Bonney Lake, Washington ("Property"), ECF
4 No. 18 ("Motion"). The Debtor filed her Response to the Motion, ECF No. 24, asking the Court
5 to deny IH6's requested relief. At the February 20, 2020 hearing, the following parties appeared
6 through their counsel of record: the Debtor, IH6, PHH Mortgage Services ("PHH"), and Quality
7 Loan Service Corporation of Washington ("QLS"). The Debtor also filed a related adversary
8 complaint on January 25, 2020, alleging willful violation of the automatic stay under 11 U.S.C.
9 §362(k)(1). Adv. Pro. 20-04002 ("AP"); ECF No. 23. The complaint names the following parties
10 as defendants: QLS, PHH, HSBC Bank USA, New Rez, LLC, and IH6.

11 In both the Motion and the AP, there are common questions of law and fact that include
12 but are not limited to: the nature of the Debtor's interest in the Property; whether IH6's
13 foreclosure action violated the automatic stay and, if so, whether the facts justify annulment of
14 the stay or damages or sanctions under 11 U.S.C. § 362(k). Based on the common questions
15 of law and fact arising from the Motion and the AP, these two actions are consolidated under
16 Federal Rules of Bankruptcy Procedure ("FRBP") 7042. See FRBP 4001(a), 7042, 9014, and
17 *Hall v. Hall*, 138 S. Ct. 1118, 1131 (2018) (citing 9A Wright & Miller § 2383 (3d ed.) (collecting
18 cases) (noting in dicta that "[trial] courts enjoy substantial discretion in deciding whether and to
19 what extent to consolidate cases"), and *Quillen v. Guttman*, 2010 WL 1416122, at *3 (D. Md.
20 Apr. 5, 2010) (affirming a bankruptcy court's *sua sponte* consolidation of a contested matter into
21 a related adversary proceeding under Rule 7042). Now therefore, it is hereby

22 **ORDERED** that the Motion is consolidated into the AP pursuant to FRBP 7042; it is
23 further
24
25

ORDERED that pursuant to Rule 7016 a status conference is scheduled for March 13, 2020, at 9:00 AM at the U.S. BANKRUPTCY COURT, 1717 Pacific Avenue, Courtroom H, Tacoma, Washington; it is further

ORDERED that the parties file a brief pleading proposing a discovery and briefing schedule prior to the status conference on or before March 11, 2020.

/// End of Order ///